UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,568	10/31/2003	Lawrence W. Osterman	MS306051.1/MSFTP506US	1108

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EXAMINER
PHAN, TUANKHANH D

ART UNIT	PAPER NUMBER
2163	

NOTIFICATION DATE	DELIVERY MODE
07/08/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/698,568	OSTERMAN, LAWRENCE W.
	Examiner	Art Unit	
	TUAN-KHANH PHAN	2163	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>03 April 2008</u>.

2a) ☒ This action is FINAL.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-6,8,9,11-14,16 and 26-32</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-6,8,9,11-14,16 and 26-32</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail. Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The amendment, filed 4/3/2008, has been entered and acknowledge by the
Examiner. Claims 7, 10, 15, 17-25 and 33-36 have been cancelled. Claims 1-6, 8-9,
11-14, 16 and 26-32 are pending.

Response to Arguments

Applicant's arguments with respect to claims 1-6, 8-9, 11-14, 16 and 26-32 have
been considered, but they are not persuasive.

Issue I. Applicant argues that Abdelaziz merely discloses a decentralized
mechanism for detecting the presence of entities in a peer-to-peer networking
environment. To that end, Abdelaziz discloses the notion of a communications channel
as a pipe for an entity on a peer node. Thus, pipes are described as providing the
primary channels for communication among peers and a mechanism for establishing
communication between peers. Abdelaziz further describes pipes used as
communication channels for sending and receiving messages between services or
applications over peer endpoints. Communicating over the pipe may include sending
messages formatted in accordance with one or more peer-to-peer platform protocols
over the pipe. Messages define an envelope to transfer any kinds of data. Thus,
Abdelaziz describes generating a unique identifier that is assigned to the peer-to-peer
network entity and pipe advertisement for a peer-to-peer network entity for peer-to-peer
presence detection. Accordingly, a pipe advertisement describing the entity and the pipe
and corresponding to the unique identifier of the entity may be generated as the identity

of the entity. In addition, the entity may be moved or otherwise migrate to one or more

other peer nodes to be hosted by the other peer nodes.

Response I. The Examiner would like to point out that Abdelaziz et al. disclose

transmitting a multicast-type message in unicast, multicast, or a combination to the

object. Abdelaziz et al. encompass transmitting a multicast-type message in the unicast

to the requested object. Thus, applicant's argument is not persuasive.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. The limitation "the response is substantially similar as that for

a multicast message" is unclear. **"Substantially"** is a relative term, and applicant has

not defined the term or given any guidance regarding what a response must be like to

be "substantially similar as that for a multicast message."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8-9, 11-14, 16 and 26-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Abdelaziz et al. (US Pat. 7,197,565), hereinafter Abdelaziz.

Regarding claims 1 and 26, Abdelaziz a system that facilitates determining presence of an object, comprising:

a transmit component (Figure 15, "200A") that transmits a multicast-type message as a unicast message (Figure 15, "234"; i.e. **discovery other objects by using a unicast, multicast and/or combination type message**, col. 28, lines 15-23) to the object (Figure 15, "200B"), the object having a timeout period (col. 50, lines 5-15) and a plurality of functions capable of independent presence indication associated (i.e. **information protocol provides its functions/capabilities and presence status**, Col. 82, line 62-col. 83, line 4) therewith, the multicast-type message directed to a first set of one or more of the plurality of functions (Col. 82, line 62-col. 83, line 4); and

a presence component that monitors a response to the unicast message from the object, and if a response is not received (col. 88, lines 5-30; col. 23, lines 55-61; **if a NACK or no response is received, it is either inactive, off-line or not in existence**), the object is presumed to be off-line with respect to the first set of one or more of the plurality of functions (Figure 16, "238"), the object is presumed to be on-line with respect to a second set of one or more of the plurality of functions (Figure 16, "238"), and the response is substantially similar as that for a multicast message to the object (**response(s) is received,** col. 88, lines 10-14).

Regarding claim 2, Abdelaziz teaches the system of claim 1, the object is at least one of a wired device, a wireless device, and a service (Col. 6, lines 30-40).

Regarding claim 3, Abdelaziz teaches the system of claim 1, the multicast-type message is transmitted in unicast at least once before the timeout period expires (i.e. **Time-to-live is associated upon sending the message, thus at least one message is sent with a time indicator**, col. 50, lines 5-12).

Regarding claim 4, Abdelaziz teaches the system of claim 1, a plurality of the multicast-type messages is transmitted in unicast to the object to control the object (Figure 15).

Regarding claim 5, Abdelaziz teaches the system of claim 4, the plurality of multicast-type messages signal the object to stay online (col. 64, lines 49-52).

Regarding claims 6 and 18, Abdelaziz teaches the system of claims 1 and 17, at least one of the transmit component and the presence component is part of a client application that transmits the multicast-type message in unicast and receives the response in unicast from the object (col. 6, lines 46-61).

Regarding claim 8, Abdelaziz teaches the system of claim 1, the unicast response is cached at the system-end (col. 135, lines 10-21; col. 30, lines 30-36).

Regarding claim 9, Abdelaziz teaches the system of claim 1, the multicast-type message is directed to at least one of the object (i.e. at least one peer needs to be alive to receive and response to the request; col. 25, lines 40-50), an embedded device of the object, and an embedded service of the object (col. 19, lines 56-67).

Regarding claims 11 and 21, Abdelaziz teaches the system of claims 1 and 17, the object is compatible with a plug-and-play architecture (col. 41, lines 42-50).

Regarding claim 12, Abdelaziz teaches the system of claim 1, the transmit component transmits a plurality of unique multicast-type messages in unicast to a respective plurality of the objects (i.e. sending message requests for different services to difference peers, abstract).

Regarding claim 13, Abdelaziz teaches the system of claim 1, the transmit component transmits a first multicast-type message in unicast to an intermediate device (Figure 1B, internet server acts as an intermediate device) to determine its status before transmitting the multicast-type message in unicast to the object (Figure 1B).

Regarding claim 14, Abdelaziz teaches the system of claim 1, the multicast-type message is transmitted in unicast to the object from a first client application (i.e. sending between requesting peer-unicast message, col. 83, lines 5-10), the response to which indicates a status of the object, and the status of which is announced by the first client application to a second client application (i.e. responding to the message include information on the status, col. 83, lines 5-21).

Regarding claim 16, Abdelaziz teaches a computer readable medium having stored thereon computer executable instructions (col. 101, lines 7-20) for carrying out the system of claim 1.

Regarding claim 27, Abdelaziz teaches the system of claim 26, further comprising delaying determination of the status of the object until a predetermined

number of additional multicast-type messages have been transmitted to the object in unicast (col. 70, lines 38-48).

Regarding claims 28 and 29, Abdelaziz teaches the method of claim 26, further comprising initiating discovery of an intermediary object in response to determining initially that the object is off-line (col. 69, line 63-col. 70, line 7).

Regarding claim 30, Abdelaziz teaches the system of claim 26, the object is one of a plurality of interdependent objects such that failure of the object results in failure of the remaining plurality of interdependent objects (abstract; may serve as a client of or a server to the other devices, Figure 1A).

Regarding claim 31, Abdelaziz teaches the system of claim 30, plurality of interdependent objects are discovered according to a hierarchy such that the object is discovered before the remaining plurality of interdependent objects (col. 35, lines 55-58).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN-KHANH PHAN whose telephone number is (571)270-3047. The examiner can normally be reached on 4/5/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TKP
/Hung T Vy/
Primary Examiner, Art Unit 2163